

Department of Veterans Affairs

§ 20.3

20.1004–20.1099 [Reserved]

Subpart L—Finality

- 20.1100 Rule 1100. Finality of decisions of the Board.
- 20.1101 Rule 1101. [Reserved]
- 20.1102 Rule 1102. Harmless error.
- 20.1103 Rule 1103. Finality of determinations of the agency of original jurisdiction where appeal is not perfected.
- 20.1104 Rule 1104. Finality of determinations of the agency of original jurisdiction affirmed on appeal.
- 20.1105 Rule 1105. New claim after promulgation of appellate decision.
- 20.1106 Rule 1106. Claim for death benefits by survivor—prior unfavorable decisions during veteran's lifetime.
- 20.1107–20.1199 [Reserved]

Subpart M—Privacy Act

- 20.1200 Rule 1200. Privacy Act request—appeal pending.
- 20.1201 Rule 1201. Amendment of appellate decisions.
- 20.1202–20.1299 [Reserved]

Subpart N—Miscellaneous

- 20.1300 Rule 1300. Removal of Board records.
- 20.1301 Rule 1301. Disclosure of information.
- 20.1302 Rule 1302. Death of appellant during pendency of appeal.
- 20.1303 Rule 1303. Nonprecedential nature of Board decisions.
- 20.1304 Rule 1304. Request for change in representation, request for personal hearing, or submission of additional evidence following certification of an appeal to the Board of Veterans' Appeals.

Subpart O—Revision of Decisions on Grounds of Clear and Unmistakable Error

- 20.1400 Rule 1400. Motions to revise Board decisions.
- 20.1401 Rule 1401. Definitions.
- 20.1402 Rule 1402. Inapplicability of other rules.
- 20.1403 Rule 1403. What constitutes clear and unmistakable error; what does not.
- 20.1404 Rule 1404. Filing and pleading requirements; withdrawal.
- 20.1405 Rule 1405. Disposition.
- 20.1406 Rule 1406. Effect of revision; discontinuance or reduction of benefits.
- 20.1407 Rule 1407. Motions by the Board.
- 20.1408 Rule 1408. Special rules for simultaneously contested claims.
- 20.1409 Rule 1409. Finality and appeal.
- 20.1410 Rule 1410. Stays pending court action.
- 20.1411 Rule 1411. Relationship to other statutes.

APPENDIX A TO PART 20—CROSS-REFERENCES

AUTHORITY: 38 U.S.C. 501(a) and as noted in specific sections.

SOURCE: 57 FR 4109, Feb. 3, 1992, unless otherwise noted.

Subpart A—General

§ 20.1 Rule 1. Purpose and construction of Rules of Practice.

(a) *Purpose.* These rules establish the practices and procedures governing appeals to the Board of Veterans' Appeals.

(Authority: 38 U.S.C. 501(a), 7102, 7104)

(b) *Construction.* These rules are to be construed to secure a just and speedy decision in every appeal.

(Authority: 38 U.S.C. 501(a), 5107, 7104)

§ 20.2 Rule 2. Procedure in absence of specific Rule of Practice.

Where in any instance there is no applicable rule or procedure, the Chairman may prescribe a procedure which is consistent with the provisions of title 38, United States Code, and these rules.

(Authority: 38 U.S.C. 501(a), 512(a), 7102, 7104)

§ 20.3 Rule 3. Definitions.

As used in these Rules:

(a) *Agency of original jurisdiction* means the Department of Veterans Affairs activity or administration, that is, the Veterans Benefits Administration, Veterans Health Administration, or National Cemetery Administration, that made the initial determination on a claim.

(b) *Agent* means a person who has met the standards and qualifications for accreditation outlined in § 14.629(b) of this chapter and who has been properly designated under the provisions of Rule 604 (§ 20.604 of this part). It does not include representatives recognized under Rules 602, 603, or 605 (§ 20.602, 20.603, or § 20.605 of this part).

(c) *Appellant* means a claimant who has initiated an appeal to the Board of Veterans' Appeals by filing a Notice of Disagreement pursuant to the provisions of 38 U.S.C. 7105.

(d) *Attorney-at-law* means a member in good standing of a State bar.